

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF JUNE 1998

Before

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION NO.13772/98

Sri Basavegowda,
s/o Sanna Mallegowda,
aged 85 yrs,
r/o Bastihalli,
Halebeedu Hobli,
Belur Taluk,
Hassan Dist.

Petitioner

(By Sri Jagadeeshachari, Advocate)

vs

1. The Deputy Tahsildar,
Halebeedu Nada Kacheri,
Hassan District.
2. The Ast. Commissioner,
Sakaleswara,
Hassan District.
3. Smt.Thimmamma,
w/o late Mallegowda,
major, r/o Bastihalli,
Halebeedu Hobli,
Belur Taluk,
Hassan Dist.

Respondents

(By Sri Kotian, HCGA) for R-1 and 2)

This petition is filed u/a 226 of the Constitution of India praying to quash vide Ann.B and C dt.17.11.97 by R1 and Ann.D dt.21.4.98 by R2.

This petition coming on for preliminary hearing this day, the court made the following:-

O R D E R

Sri Kotian, learned Government Advocate is directed to take notice to respondents-1 and 2.

2. The dispute in this petition relates to entries made in the revenue records. The 3rd respondent is the wife of the petitioner's brother.

3. Both the Authorities have held against the petitioner. I do not find any infirmity in the orders impugned which calls for interference of this court in exercise of its jurisdiction either under Article 226 or Article 227 of the Constitution of India. Further, if the petitioner is aggrieved by the orders impugned, remedy is provided to him under proviso given to Section 135 of the Land Revenue Act. It is also not in dispute that the suit filed by the petitioner for permanent injunction is pending adjudication before the Civil



court. However, it is needless to observe that if the parties approach the civil court, the Civil court is required to consider the respective claim of the parties on the basis of the evidence that may be placed before it and without being influenced either by the entries made in the revenue records which is seriously disputed or by the observation made in the course of the impugned order.

4. The learned counsel for the petitioner submits that the petitioner is in possession of land in question. I find it difficult to accept his submission. Even according to the submission made by Sri Jagadeeshachari the civil court has not granted temporary injunction in his favour. Further, since the suit for injunction is pending before the civil court, it is unnecessary for me to go into the question as to who is in possession of the land in question.

WMT

5. In the light of the discussion made above, this petition is liable to be dismissed. Accordingly, it is dismissed.

6. Sri Kotian, learned Government Advocate is given four weeks time to file his memo of appearance.

Sd/-
JUDGE

